

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

YVONNE TOY,)	
)	
Petitioner,)	
)	
vs.)	Case No. CIV-06-1428-M
)	
MIKE MULLEN, Warden,)	
)	
Respondent.)	

ORDER


On August 24, 2007, United States Magistrate Judge Doyle W. Argo issued a Report and Recommendation in this action brought pursuant to 28 U.S.C. § 2254, seeking a writ of habeas corpus. The Magistrate Judge recommended that the grounds raised in the petition be denied, but that the petition be held in abeyance for a reasonable time pending information from petitioner as to the status of her post-conviction relief efforts. On September 24, 2007, this Court issued an order finding that the petition should not be held in abeyance during the time petitioner is pursuing any state court remedies and directing petitioner to file her objections to the Report and Recommendation on or before October 24, 2007. On October 23, 2007, petitioner filed her objections.

Having carefully reviewed this matter de novo, the Court:

- (1) ADOPTS that portion of the Magistrate Judge's August 24, 2007 Report and Recommendation recommending the denial of the grounds raised in the petition for writ of habeas corpus;
- (2) DECLINES TO ADOPT that portion of the Magistrate Judge's August 24, 2007 Report and Recommendation recommending the petition be held in abeyance;
- (3) DENIES the Petition for Writ of Habeas Corpus; and

(4) ORDERS that judgment in favor of respondent issue forthwith.

IT IS SO ORDERED this 29th day of October, 2007.



VICKI MILES-LaGRANGE
UNITED STATES DISTRICT JUDGE